REMARKS

Claims 26 and 27 are pending in this application. Claim 26 is amended herein. Claims 2, 3, 6-20, 23, 24, and 25 are cancelled herein without prejudice or disclaimer. Claim 27 is added herein. Support for the amendments to the claims, and for the new claim, may be found in the claims as originally filed, particularly claim 7, and at page 10, lines 3-9 of the specification. Reconsideration is requested based on the foregoing amendment and the following remarks.

Claim Rejections - 35 U.S.C. § 103:

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,633,759 to Kobayashi (hereinafter "Kobayashi") in view of U.S. Patent No. 6,553,410 to Kikinis (hereinafter "Kikinis") and US Patent No. 5,956,034 to Sachs et al. The rejection is traversed to the extent it would apply to the claims as amended. Reconsideration is earnestly solicited.

The intermediate data files recited in the claimed invention allow the required transfer time to be reduced. The second clause of claim 26, in particular, recites:

> Extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order.

Neither Kobayashi, Kikinis, nor Sachs teaches, discloses, nor suggests "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order," as recited in claim 26. Kobayashi, rather, wants to allow software installed in one device to be remotely manipulated by the other, so that display data generated by starting the software can be displayed on the other device. In particular, as described in column 2, lines 14-21:

> Accordingly, it is an object of the present invention to provide a communication system, wherein software installed in one device is remotely manipulated by the other, so that display data generated by starting the software can be displayed on the other device, and a mobile communication device, an information processing device, and a data communication method used in the communication system.

Since Kobayashi wants to allow software installed in one device to be remotely manipulated by the other, so that display data generated by starting the software can be

displayed on the other device, Kobayashi is not "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order," as recited in claim 26.

Kobayashi, moreover, processes the data by changing the character font or removing unnecessary data in accordance with the size of the screen of the cellular phone 2 when data is sent from the PC 1 to the cellular phone 2. In particular, as described in column 10, lines 65, 66, and 67, continuing at column 11, lines 1, 2, and 3:

> The size of the screen of the cellular phone 2 is generally smaller than that of the PC 1. Therefore, when data is sent from the PC 1 to the cellular phone 2, it is preferable to process the data by changing the character font or removing unnecessary data in accordance with the size of the screen of the cellular phone 2.

Since Kobayashi processes the data by changing the character font or removing unnecessary data in accordance with the size of the screen of the cellular phone 2 when data is sent from the PC 1 to the cellular phone 2, Kobayashi is not "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order," as recited in claim 26.

Kikinis, for its part, uses prestored characteristics of client devices to translate data from Internet sources into a reduced-content form adapted specifically to the client device. In particular, as described in the Abstract:

> In this system software at a proxy server uses prestored characteristics of client devices to translate data from Internet sources into a reduced-content form adapted specifically to the client device.

Since Kikinis uses prestored characteristics of client devices to translate data from Internet sources into a reduced-content form adapted specifically to the client device, Kikinis is not "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order," as recited in claim 26.

Sachs, finally, encodes data prior to downloading, using an encryption system involving a

security number that is unique to the portable electronic book. In particular, as described in the Abstract:

> In this system software at a proxy server uses prestored characteristics of client devices to translate data from Internet sources into a reduced-content form adapted specifically to the client device.

Since Sachs encodes data prior to downloading, using an encryption system involving a security number that is unique to the portable electronic book, Sachs is not "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order," as recited in claim 26. Thus, neither Kikinis nor Sachs can make up for the deficiencies of Kobayashi with respect to claim 26. Consequently, even if Kobayashi, Kikinis, and Sachs were combined as proposed in the Office Action, claim 26 would not result.

Kobayashi, finally, processes the data by changing the character font or removing unnecessary data in accordance with the size of the screen of the cellular phone 2 when data is sent from the PC 1 to the cellular phone 2, as discussed above. Modifying Kobayashi to be "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order" as recited in claim 26, on the other hand, would change the principle of operation of Kobayashi in contravention of M.P.E.P §2143.01. As provided therein:

> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Since modifying Kobayashi to be "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order" would change the principle of operation of Kobayashi, the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*.

Finally, the Office Action provides no motivation or suggestion to combine the teachings of Kobayashi and Kikinis, as required by 35 U.S.C. § 103(a) and the M.P.E.P. §706.02(j)(D),

beyond the assertion that

> Nonetheless this feature is well known in the art and would have been an obvious modification to the system disclosed by Kobayashi as evidenced by Kikinis.

Claim 26 is submitted to be allowable. Withdrawal of the rejection of claim 26 is earnestly solicited.

New claim 27:

The second clause of claim 27 recites:

> Extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order.

Neither Kobayashi, Kikinis, nor Sachs teaches, discloses, nor suggests "extracting sizes of the character's fonts from said data file, creating a plurality of layered intermediate data files from the data file in accordance with the extracted size of the character's fonts, and transmitting the intermediate data files in the hierarchical order," as discussed above with respect to the rejection of claim 26. Claim 27 is thus believed to be allowable as well, for at least those reasons discussed above with respect to the rejection of claim 26.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 26 and 27 are allowable over the cited references. Allowance of all claims 26 and 27 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is invited to telephone the undersigned to attend to these matters.

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      If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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